

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-333-C - ORDER NO. 2008-213  
APRIL 1, 2008

IN RE: Application of Charter Fiberlink SC-CCO,	) ORDER GRANTING
LLC for a Certificate of Public Convenience	) MOTION FOR
and Necessity to Provide Local Exchange	) CONFIDENTIAL
Service and Intrastate Interexchange	) TREATMENT
Telecommunications Services within the State	)
of South Carolina and for Flexible Rate	)
Structure for Local Exchange Service	)
Offerings and Alternative Regulation	)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the motion of Charter Fiberlink SC-CCO, LLC (Charter Fiberlink or the Company) for confidential treatment of certain material filed in this docket. Charter Fiberlink requests that the Company's fourth quarter Service Quality Report for 2007 be held confidential.

On January 29, 2008, Charter Fiberlink filed with the Commission the Company's fourth quarter Service Quality Report. Charter Fiberlink moved that the Company's report be filed with the Commission under seal and be maintained as confidential and filed such information marked "confidential" in a separate envelope from the Company's filed "public" version. The Commission determined to hold the Company's request in

abeyance and to allot a time period for the Company to provide the Commission with further information to support its request for confidential treatment.<sup>1</sup>

Charter Fiberlink filed an amended motion for confidential treatment on March 6, 2008. Charter Fiberlink asserts in its amended motion that the Company's report contains line count information that is proprietary and competitively sensitive and is entitled to trade secret protection. According to Charter Fiberlink, the Company undertakes considerable efforts to maintain the secrecy of the information contained in the report and such information is not publicly disseminated, and therefore Charter Fiberlink renews its prior request that the Commission grant the Company confidential treatment.

A review of the material in question in the Company's report establishes that the material does provide detailed information concerning Charter Fiberlink's business and practices which are sensitive. The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation." We find that the information contained in the Company's fourth quarter Service Quality Report for 2007 for which Charter Fiberlink

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<sup>1</sup> See Commission Directive, dated February 13, 2008, and subsequent Commission Order No. 2008-114, dated February 20, 2008.

seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

Because the Commission finds that certain portions of the fourth quarter Service Quality Report of Charter Fiberlink contains competitively sensitive information and meets the definition of “trade secrets” as defined under FOIA, the Commission grants the motion.

IT IS THEREFORE ORDERED THAT:

1 The amended Motion of Charter Fiberlink SC-CCO, LLC for confidential treatment is granted. Accordingly, the Company’s 2007 fourth quarter Service Quality Report filed with the Commission shall be declared confidential and shall be afforded confidential treatment.

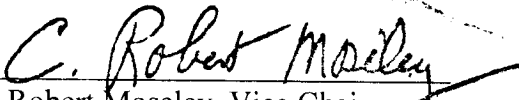
2 This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O’Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)